

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

**CODY DWAYNE BARKER, TAMMY  
MONDELLO, and CRAIG GEDDIS,**  
individually and on behalf of all others similarly  
situated,

**CASE NO.:** 6:21-cv-01720-AA

Plaintiffs,

**ORDER**

v.

**CDR MAGUIRE, INC.,** a Delaware  
corporation, and **ELITE SERVICES OF  
LOUISIANA, LLC,** a Louisiana limited  
liability company,

Defendants.

**Ann Aiken, District Judge**

The above-titled matter came before this Court upon the Parties' Joint Motion for Final Approval of Class Action Settlement (Dkt 89.) The Court held a Fairness Hearing on July 6, 2023. Based upon the memoranda, exhibits, and all the files and proceedings herein, the Court makes the following:

**ORDER**

1. The Parties' Joint Motion for Final Approval of Class Action Settlement (Dkt. 83) is **GRANTED**.
2. Plaintiffs' Unopposed Motion for Attorney Fees, Costs, and Incentive Awards (Dkt. 86) is **GRANTED**.
3. The Parties' Settlement Agreement (Dkt. 83-4) is approved as fair, reasonable,

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

and adequate as to the members of the Settlement Class and meets the requirements of Fed. R. Civ. P. 23(e).

4. The Court finds that uncertainty and delay of further litigation supports the reasonableness and adequacy of Settlement Amounts and the sums to be paid by Defendants pursuant to the Settlement Agreement and this Order.

5. Having received no objections pursuant to the Class Action Fairness Act Notices sent in this case, this Order shall be entered together with a General Judgment of Dismissal with Prejudice.

6. Pursuant to the Settlement Agreement, Defendants shall fund their respective Settlement obligations within seven (7) calendar days after the Effective Date as defined therein, and the Settlement Administrator shall thereafter issue the individual Settlement Payments within ten (10) days following the Settlement Administrator's receipt of the Settlement funds from Defendants.

7. Pursuant to Fed. R. Civ. P. 23, the Court maintains the Settlement Class, as defined in Section 2.23 of the Settlement Agreement, for settlement purposes, with the following sub-classes:

- i. The FLSA Overtime Subclass (Subclass A), consisting of a total of 42 Arborists, Health and Safety Officers, and Division Supervisors/Directors<sup>1</sup> who worked for Defendants in Oregon on wildfire recovery projects and who timely filed FLSA Consent to Join forms in this action;
- ii. The Oregon Overtime Subclass (Subclass B), consisting of a total of 15

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<sup>1</sup> The Settlement Class includes 5 individuals who were employed by CDR Maguire, Inc. in other positions and who are participating by stipulation of the parties.

Arborists, Health and Safety Officers, and Division Supervisors/Directors who worked for Defendants in Oregon and did not file FLSA Consent to Join forms; and,

- iii. The Travel Time Subclass (Subclass C), consisting of eleven (11) members of the Settlement Class who were employees of CDR Maguire, Inc. and who resided at employer furnished lodgings while working on the Oregon wildfire recovery projects and commuted to and from daily meeting sites.

**IT IS SO ORDERED**

DATED: July 10, 2023

/s/Ann Aiken  
Honorable Ann Aiken  
United States District Judge